



General Assembly

January Session, 2009

**Substitute Bill No. 903**

\* SB00903TRA 031609 \*

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE CONCERNING THE ECONOMIC REGULATION OF  
TAXICABS AND LIVERY VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-96 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Each person, association, limited liability company or  
4 corporation owning or operating a taxicab is declared a common  
5 carrier and subject to the jurisdiction of the Department of  
6 Transportation. The Commissioner of Transportation [is authorized to  
7 prescribe adequate service and reasonable rates and charges. The  
8 commissioner may] shall adopt regulations, in accordance with  
9 chapter 54, [for the purpose of] establishing fares, service, operation  
10 and equipment [as it deems] necessary for the convenience, protection  
11 and safety of passengers and the public. The commissioner shall  
12 establish a single taxicab meter rate of fare that shall be applicable, on  
13 and after January 1, 2010, to all taxicabs operated in this state. Not later  
14 than December 1, 2009, the Department of Transportation shall give  
15 written notice to each taxicab certificate holder of such taxicab meter  
16 rate of fare. The commissioner shall review such rate of fare every six  
17 months. If the commissioner determines that a change should be made  
18 to the taxicab meter rate of fare as a result of such review, the  
19 commissioner shall fix a time and place of a hearing on the proposed

20 change to such meter rate to be held within thirty days of such  
21 determination, and shall promptly give written notice of the proposed  
22 change to such meter rate and of the hearing on such proposed change,  
23 to each taxicab certificate holder. Not later than thirty days following  
24 such hearing, the commissioner shall issue a decision. If such decision  
25 establishes a new taxicab rate of fare, such rate shall be effective thirty  
26 days following the issuance of such decision. The Department of  
27 Transportation shall promptly give written notice to each taxicab  
28 certificate holder of the new taxicab meter rate of fare. The meter rate  
29 for taxicab service maintained on file with the commissioner shall be  
30 amended to reflect the current taxicab rate of fare. Notwithstanding  
31 the provisions of this subsection [and] or any regulation adopted  
32 under this subsection relative to any wheel base requirement, any  
33 sedan or station wagon type vehicle powered by a clean alternative  
34 fuel and having a wheel base of not less than one hundred two inches  
35 may be used to provide taxicab service.

36 (b) The rates and charges established pursuant to subsection (a) of  
37 this section shall not apply to any person, association, or corporation  
38 (1) operating a taxicab engaged in the transportation of passengers for  
39 hire pursuant to a contract with, or a lower tier contract for, any  
40 federal, state or municipal agency, (2) certified pursuant to section 13b-  
41 97, as amended by this act, prior to May 22, 1998, and (3) registered  
42 pursuant to section 13b-99 prior to May 22, 1998.

43 Sec. 2. Section 13b-97 of the general statutes is repealed and the  
44 following is substituted in lieu thereof (*Effective October 1, 2009*):

45 (a) No person, association, limited liability company or corporation  
46 shall operate a taxicab until such person, association, limited liability  
47 company or corporation has obtained a certificate from the  
48 Department of Transportation certifying that public convenience and  
49 necessity require the operation of a taxicab or taxicabs for  
50 transportation of passengers, the acceptance or solicitation of which  
51 originates within the territory specified in such certificate except as  
52 provided under subsection (d) of this section. A certificate authorizing

53 the operation of fifteen or fewer taxicabs shall contain a list of all  
54 municipalities within the territory specified in such certificate and  
55 shall provide that any of such taxicabs may operate in all  
56 municipalities on such list. No [such] certificate of public convenience  
57 and necessity shall be issued unless the department finds that the  
58 person, association, limited liability company or corporation is suitable  
59 to operate a taxicab service, after giving due consideration to, at a  
60 minimum, the following factors: (1) Any convictions of the applicant  
61 under federal, state or local laws relative to safety, motor vehicle or  
62 criminal violations; (2) the number of taxicabs to be operated under the  
63 certificate; (3) the adequacy of the applicant's financial resources to  
64 operate the taxicab service; (4) the adequacy of insurance coverage and  
65 safety equipment; and (5) the availability of qualified taxicab  
66 operators. The commissioner shall request the state criminal history  
67 records check for any person or any officer of any association, limited  
68 liability company or corporation applying for such certificate from the  
69 State Police Bureau of Identification. The commissioner shall arrange  
70 for the fingerprinting of any person or any officer of any association,  
71 limited liability company or corporation applying for such certificate  
72 and forward the fingerprints to said bureau which shall submit the  
73 fingerprints to the Federal Bureau of Investigation for a national  
74 criminal history records check for any federal conviction specified in  
75 subdivision (1) of this subsection. A fee shall be charged by the  
76 commissioner for each such national criminal history records check  
77 which shall be equal to the fee charged by the Federal Bureau of  
78 Investigation for performing such check. Such certificate shall be  
79 issued only after written application, fingerprinting and said criminal  
80 history records check for the same has been made and public hearing  
81 held thereon. The application shall be accompanied by a fee of [eighty-  
82 eight] two hundred dollars and the fee for said criminal history  
83 records check. Upon receipt of such application, the department shall  
84 fix a time and place of hearing thereon and shall promptly give written  
85 notice of the pendency of such application and of the time and place of  
86 hearing thereon to such applicant, the mayor of each city, the warden  
87 of each borough or the first selectman of each town in which the

88 applicant desires to originate the transportation of such passengers,  
89 and to any common carrier operating within the territory specified.  
90 [Notwithstanding any provision of this subsection to the contrary, the  
91 department may, upon receipt of a written application, amend an  
92 existing certificate to increase the number of taxicabs which may be  
93 operated pursuant to the certificate without holding a hearing on the  
94 application, provided the department issues a legal notice of such  
95 application in a daily newspaper in accordance with the provisions of  
96 section 1-2, gives written notice of the pendency of such application to  
97 any common carrier operating within the territory specified and no  
98 objection is filed with the department within thirty days of each such  
99 notice.] Upon receipt of a written application to amend an existing  
100 certificate to increase the number of taxicabs which may be operated  
101 pursuant to the certificate, the department shall fix a time and place of  
102 hearing thereon and shall promptly give written notice of the  
103 pendency of such application and of the time and place of hearing  
104 thereon to such applicant, the mayor of each city, the warden of each  
105 borough or the first selectman of each town in which the applicant  
106 desires to originate the transportation of such passengers, and to any  
107 common carrier operating within the territory specified. The  
108 application to amend an existing certificate shall be accompanied by a  
109 fee of two hundred dollars. With respect to any application filed under  
110 the provisions of this subsection, the department shall not consider as  
111 a ground for denial of a request for an increase in the number of  
112 taxicabs to be operated within the territory specified, any number of  
113 taxicabs not currently registered with the Commissioner of Motor  
114 Vehicles at the time of filing of such application or at the time of any  
115 hearing held thereon. All decisions of the department concerning the  
116 approval or denial of an application for a certificate or the amendment  
117 of an existing certificate shall be published on the department's web  
118 site not later than thirty days after the issuance of such decision.

119 (b) Any town, city or borough within which taxicab service is  
120 operated or any interested party may bring a written petition to the  
121 department with respect to fares, service, operation or equipment or

122 the convenience, protection and safety of passengers and the public.  
123 Thereupon, the department may fix a time and place for a hearing  
124 upon such petition, and give written notice thereof to the parties in  
125 interest at least one week prior to such hearing.

126 (c) No certificate shall be sold or transferred until the department,  
127 upon written application to it setting forth the purpose, terms and  
128 conditions thereof, and after investigation, finds that the purchaser or  
129 transferee is suitable to operate a taxicab service after consideration of  
130 the factors specified in subsection (a) of this section and approves the  
131 same. A certificate shall be sold or transferred in its entirety and the  
132 department shall not approve the sale or transfer of a portion of such  
133 certificate. The application shall be accompanied by a fee of [eighty-  
134 eight] two hundred dollars. The department may amend or, for  
135 sufficient cause shown, may suspend or revoke any such certificate.  
136 The department may impose a civil penalty on any person or any  
137 officer of any association, limited liability company or corporation who  
138 violates any provision of this chapter or any regulation adopted under  
139 section 13b-96, as amended by this act, with respect to fares, service,  
140 operation or equipment, in an amount not to exceed one hundred  
141 dollars per day for each violation. Any such certificate issued by the  
142 department shall remain valid unless suspended or revoked by the  
143 department. Any such certificate issued by the Division of Public  
144 Utility Control within the Department of Business Regulation prior to  
145 October 1, 1979, or by any transit district prior to March 1, 1997, shall  
146 remain valid unless suspended or revoked by the Department of  
147 Transportation.

148 (d) Any person, association, limited liability company or  
149 corporation which has obtained a certificate under subsection (a) of  
150 this section may solicit, receive and discharge taxicab passengers at  
151 Bradley International Airport, subject to formal agreement with the  
152 Commissioner of Transportation provided such agreement shall not  
153 take precedence over its obligation to provide taxicab service within  
154 the territory specified in such certificate. The commissioner shall not  
155 enter into any such agreement unless the certificate holder

156 demonstrates to the satisfaction of the commissioner that all of the  
157 taxicabs operated under such certificate have provided continuous  
158 taxicab service within such territory during the immediately preceding  
159 twelve months. Any such person, association, limited liability  
160 company or corporation may discharge taxicab passengers received at  
161 such airport within a territory other than the territory specified in its  
162 certificate. The commissioner may charge and collect a reasonable fee  
163 from any such person, association, limited liability company or  
164 corporation for the privilege of solicitation of such passengers.

165 (e) The department shall not waive compliance with, modify or  
166 expedite any requirement set forth in this section.

167 Sec. 3. Section 13b-103 of the general statutes is repealed and the  
168 following is substituted in lieu thereof (*Effective October 1, 2009*):

169 (a) (1) No person, association, limited liability company or  
170 corporation shall operate a motor vehicle in livery service until such  
171 person, association, limited liability company or corporation has  
172 obtained a permit from the Department of Transportation, specifying  
173 the nature and extent of the service to be rendered and certifying that  
174 public convenience and necessity will be improved by the operation  
175 and conduct of such livery service. Such permits shall be issued only  
176 after a written application for the same has been made and a public  
177 hearing has been held thereon. Upon receipt of such application,  
178 together with the payment of a fee of two hundred dollars, the  
179 department shall fix a time and place of hearing thereon, within a  
180 reasonable time, and shall promptly give written notice of the  
181 pendency of such application and of the time and place of such  
182 hearing to each applicant, the mayor of each city, the warden of each  
183 borough and the first selectman of each town, within which any such  
184 applicant desires to maintain an office or headquarters, to any carrier  
185 legally operating motor vehicles in livery service within the same  
186 territory and to other interested parties as determined by the  
187 department. (2) Notwithstanding the provisions of subdivision (1) of  
188 this subsection, the department may issue a permit for the operation of

189 vehicles (A) having a capacity of less than eleven adults or to be used  
190 exclusively at funerals, weddings, christenings, processions or  
191 celebrations, without holding a hearing and certifying that public  
192 convenience and necessity would be improved by the operation of  
193 such vehicles, or (B) having a capacity of not less than eleven or more  
194 than fourteen adults and used for sightseeing and related purposes,  
195 without holding a hearing, provided the department issues a legal  
196 notice, as provided under section 1-2, of such application and no  
197 objection is filed with the department within thirty days of publication  
198 of such notice. (3) Notwithstanding the provisions of subdivision (1) of  
199 this subsection, the department may issue a temporary or permanent  
200 permit to any person, association, limited liability company or  
201 corporation operating a motor vehicle engaged in the transportation of  
202 passengers for hire by virtue of a contract with, or a lower tier contract  
203 for, any federal, state or municipal agency that (A) is in effect on July 1,  
204 1997, with or without hearing, after a written application for the same  
205 has been made and the department has determined that the applicant  
206 meets the requirements of subsection (b) of this section except with  
207 respect to public convenience and necessity, or (B) becomes effective  
208 after July 1, 1997, with or without hearing, after a written application  
209 for the same has been made and the department has determined that  
210 the applicant meets the requirements of subsection (b) of this section.  
211 Any such permit issued under the provisions of this subdivision (i)  
212 shall be limited to service provided under any such contract, and (ii)  
213 with respect to any contract under the provisions of subparagraph (A)  
214 of this subdivision, shall not authorize a total number of motor  
215 vehicles exceeding the number required to provide service existing  
216 under such contract on July 1, 1997. (4) [Notwithstanding the  
217 provisions of subdivision (1) of this subsection, the department shall  
218 issue to any person who has an intrastate livery permit for at least one  
219 year, upon the application of such person, up to two additional vehicle  
220 authorizations each year without a hearing and without written notice  
221 of the pendency of the application, if all the existing permits held by  
222 such person are registered and in use and if there are no outstanding  
223 violations or matters pending adjudication against such person. The

224 department shall have thirty calendar days to issue such amended  
225 permit.] Upon receipt of a written application to amend an existing  
226 permit to increase the number of motor vehicles which may be  
227 operated pursuant to the permit, the department shall fix a time and  
228 place of hearing thereon and shall promptly give written notice of the  
229 pendency of such application and of the time and place of hearing  
230 thereon to such applicant, the mayor of each city, the warden of each  
231 borough or the first selectman of each town in which the applicant  
232 desires to operate such vehicles, and to any common carrier operating  
233 within the territory specified. The application to amend an existing  
234 permit shall be accompanied by a fee of two hundred dollars.

235 (b) In determining whether or not such a permit will be granted, the  
236 Department of Transportation shall take into consideration the present  
237 or future public convenience and necessity for the service the applicant  
238 proposes to render, the suitability of the applicant or the suitability of  
239 the management if the applicant is a limited liability company or  
240 corporation, the financial responsibility of the applicant, the ability of  
241 the applicant efficiently and properly to perform the service for which  
242 authority is requested and the fitness, willingness and ability of the  
243 applicant to conform to the provisions of this chapter and the  
244 requirements and regulations of the department under this chapter.  
245 All decisions of the department concerning the approval or denial of  
246 an application for a permit or the amendment of an existing permit  
247 shall be published on the department's web site not later than thirty  
248 days after the issuance of such decision.

249 (c) Any interested party may bring a written petition to the  
250 Department of Transportation in respect to fares, service, operation or  
251 equipment, or the convenience, protection and safety of the public  
252 with regard to any carrier operating a motor vehicle in livery service.  
253 Thereupon, the department may fix a time and place for a hearing  
254 upon such petition and give notice thereof. No permit shall be sold or  
255 transferred until the department, upon written application to it setting  
256 forth the purpose, terms and conditions thereof and accompanied by a  
257 fee of two hundred dollars, after investigation, approves the same. A



258 permit shall be sold or transferred in its entirety and the department  
259 shall not approve the sale or transfer of a portion of such permit. The  
260 department may amend or, for sufficient cause shown, may suspend  
261 or revoke any such permit. The department may impose a civil penalty  
262 on any person or any officer of any association, limited liability  
263 company or corporation who violates any provision of this chapter or  
264 any regulation adopted under section 13b-102 with respect to fares,  
265 service, operation or equipment, in an amount not to exceed one  
266 thousand dollars per day for each violation. Prior to the imposition of a  
267 civil penalty under this subsection, the department shall provide notice  
268 to said person or officer no later than fifteen business days after receipt  
269 of information concerning an alleged violation and shall provide an  
270 opportunity for a hearing.

271 (d) The owner or operator of each motor vehicle in livery service  
272 shall display in such vehicle such permit or a memorandum thereof.

273 (e) Any person who holds him or herself out to be the operator of a  
274 motor vehicle in livery service who has not received a permit under  
275 this section or with the intent to injure or defraud another shall be  
276 guilty of a class B misdemeanor.

277 (f) The department shall not waive compliance with, modify or  
278 expedite any requirement set forth in this section.

279 Sec. 4. Subsection (a) of section 17b-276 of the general statutes is  
280 repealed and the following is substituted in lieu thereof (*Effective*  
281 *October 1, 2009*):

282 (a) The Commissioner of Social Services shall identify geographic  
283 areas of the state where competitive bidding for nonemergency  
284 transportation services provided to medical assistance recipients to  
285 access covered medical services would result in cost savings to the  
286 state. For the identified areas, the Commissioner of Social Services, in  
287 consultation with the Commissioner of Transportation, the  
288 Commissioner of Public Health and the Secretary of the Office of  
289 Policy and Management, shall purchase such nonemergency

290 transportation services through a competitive bidding process. Any  
291 transportation providers awarded a contract or subcontract for the  
292 direct provision of such services shall meet state licensure or  
293 certification requirements and the nonemergency transportation  
294 requirements established by the Department of Social Services, and  
295 shall provide the most cost effective transportation service, provided  
296 any contractor awarded a contract solely for coordinating such  
297 transportation services shall not be required to meet such licensure or  
298 certification requirements and provided the first such contracts for the  
299 purchase of such services shall not exceed one year. Prior to awarding  
300 a contract pursuant to this section, the Commissioner of Social Services  
301 shall consider the effect of the contract on the emergency ambulance  
302 primary service areas and volunteer ambulance services affected by  
303 the contract. The commissioner may limit the geographic areas to be  
304 served by a contractor and may limit the amount of services to be  
305 performed by a contractor. The commissioner may operate one or  
306 more pilot programs prior to state-wide operation of a competitive  
307 bidding program for nonemergency transportation services. By  
308 enrolling in the Medicaid program or participating in the  
309 competitively bid contract for nonemergency transportation services,  
310 providers of nonemergency transportation services agree to offer to  
311 recipients of medical assistance all types or levels of transportation  
312 services for which they are licensed or certified. Effective October 1,  
313 1991, payment for such services shall be made only for services  
314 provided to an eligible recipient who is actually transported. A  
315 contract entered into pursuant to this section may include services  
316 provided by another state agency. Notwithstanding any provision of  
317 the general statutes, a contract entered into pursuant to this section  
318 shall establish the rates to be paid for the transportation services  
319 provided under the contract. A contract entered into pursuant to this  
320 section may include services provided by another state agency and  
321 shall supersede any conflicting provisions of the regulations of  
322 Connecticut state agencies pertaining to medical transportation  
323 services. Any contractor awarded a contract solely for coordinating  
324 nonemergency transportation services for medical assistance

325 recipients, who also coordinates transportation services for  
 326 nonmedical assistance recipients, shall disclose to any transportation  
 327 provider with whom it subcontracts to provide nonemergency  
 328 transportation services under this section the source of payment at the  
 329 time the service is requested. The Department of Transportation shall  
 330 provide written notification to any such contractor of the revocation of  
 331 the permit or certificate of a provider of nonemergency transportation  
 332 services, not later than three days following such revocation.

333 Sec. 5. Subsection (d) of section 14-27 of the general statutes is  
 334 repealed and the following is substituted in lieu thereof (*Effective*  
 335 *October 1, 2009*):

336 (d) Each motor vehicle in livery service shall carry number plates to  
 337 be furnished by the commissioner, which number plates shall indicate  
 338 that such vehicle is licensed for livery service. Each motor vehicle in  
 339 medical livery service shall carry number plates to be furnished by the  
 340 commissioner, which number plates shall indicate that such vehicle is  
 341 licensed for medical livery service.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	13b-96
Sec. 2	<i>October 1, 2009</i>	13b-97
Sec. 3	<i>October 1, 2009</i>	13b-103
Sec. 4	<i>October 1, 2009</i>	17b-276(a)
Sec. 5	<i>October 1, 2009</i>	14-27(d)

**Statement of Legislative Commissioners:**

In section 2(a), the reference to "such certificate" was changed to "certificate of public convenience and necessity" for clarity.

**PRI** Joint Favorable C/R

TRA

**TRA** Joint Favorable Subst.-LCO